Deborah Bachelder

From: Kendra Carberry <klc@hpwclaw.com>
Sent: Monday, March 1, 2021 1:20 PM
To: Deborah Bachelder
Subject: FW: tyrone fay / business license application
Attachments: NAICS Code 453310.png; PMC Home Occ Lic.pdf; Tyrone Business Lic.pdf

Kendra L. Carberry
Hoffmann, Parker, Wilson & Carberry, P.C.
511 16th Street, Suite 610
Denver, CO 80202
(303) 951-2095

From: Kendra Carberry
Sent: Friday, July 24, 2020 7:53 AM
To: driscollrj101@aol.com
Subject: FW: tyrone fay / business license application

Mr. Driscoll,

Please contact me from this point forward. It appears that your client is requesting a new business license for a pawn shop. Pawn shops are not a permitted use in this zone district, so the Town will be unable to issue the license. If you have any questions, please let me know. Thanks.

Kendra L. Carberry
Hoffmann, Parker, Wilson & Carberry, P.C.
511 16th Street, Suite 610
Denver, CO 80202
(303) 951-2095

From: Fred Starr <fstarr@erieco.gov>
Sent: Thursday, July 23, 2020 1:25 PM
To: Kendra Carberry <klc@hpwclaw.com>
Subject: FW: tyrone fay / business license application

From: Robert Driscoll <driscollrj101@aol.com>
Sent: Thursday, July 23, 2020 1:05 PM
To: Fred Starr <fstarr@erieco.gov>
Subject: Fwd: tyrone fay / business license application

please see below

Robert J. Driscoll
Attorney at Law #5729
DRISCOLL LAW OFFICE

455 Sherman Street, Suite 100
Denver, CO 80203
Telephone: (303) 534-3233
FAX: (303) 534-3235
www.driscolllawfirm.com

-----Original Message-----
From: Robert Driscoll <driscollrj101@aol.com>
To: fstarr@erieco.gov jmiller@erieco.gov <fstarr@erieco.govjmiller>
Sent: Thu, Jul 23, 2020 1:02 pm
Subject: tyrone fay / business license application

Dear Mr. Miller and Ms. Miller.

Mr. Fay has asked me to represent him and communicate with you re his business license request. I have spoken to him at length. Short clear conversation is NOT his strong point. He also shared that he has fairly bombarded you with pressure on the issue. I apologize on his behalf. He has promised NOT to bother you and let you do your job.

Please communicate with me only. I will get any follow-up information you need. Stay safe and have a good day. Thank you. Bob

Robert J. Driscoll
Attorney at Law #5729
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www.driscolllawfirm.com

Return to Lookup Tools

Enter Keyword(s) NAICS Search

453310 - Used Merchandise Stores

Click to View Top Businesses by Revenue for 453310 – Complete Profiles.

This industry comprises establishments primarily engaged in retailing used merchandise, antiques, and secondhand goods (except motor vehicles, such as automobiles, RVs, motorcycles, and boats; motor vehicle parts; tires; and mobile homes).

Illustrative Examples:

Antique shops
Used household-type appliance stores
Used book stores
Used merchandise thrift shops
Used clothing stores
Used sporting goods stores

Cross-References. Establishments primarily engaged in--

- Retailing used merchandise via electronic home shopping, mail-order, or direct sale--are classified in Subsector 454, Nonstore Retailers;
- Operating pawnshops--are classified in U.S. Industry 522298, All Other Nondepository Credit Intermediation;
- Retailing used automobiles--are classified in Industry 441120, Used Car Dealers;
- Retailing used automobile parts (except tires and tubes)--are classified in Industry 441310, Automotive Parts and Accessories Stores;
- Retailing used tires--are classified in Industry 441320, Tire Dealers;
- Retailing used mobile homes--are classified in Industry 453930, Manufactured (Mobile) Home Dealers;
- Retailing used recreational vehicles--are classified in Industry 441210, Recreational Vehicle Dealers;
- Retailing used boats--are classified in U.S. Industry 441222, Boat Dealers;

BUSINESS LICENSE CERTIFICATE

TOWN OF ERIE

645 Holbrook Street/P.O. Box 750 • Erie, CO 80516
Phone: (303) 926-2780 • FAX (303) 926-2704

BUSINESS NAME: Erie Pure Coins LLC

DBA:

BUSINESS OWNER: Tyrone Fay

BUSINESS LOCATION: 2142 Mountain Iris DR
Erie, CO 80516

BUSINESS DESCRIPTION: Home Occupation Retail

NAICS CODE: 453310 Used rare collectors' items (e.g., autograph, coin, card, stamps) shops

ERIE PURE COINS LLC
PO BOX 1322
ERIE, CO 80516

Business License Number: HOL000810-01-2019

Effective Date: January 16, 2019

Expiration Date:

TO BE POSTED IN A CONSPICUOUS PLACE

TOWN OF ERIE
1874

Business License Application

Today's Date: MM/DD/YY
12/21/20/20

Time: 8:00am

Business Contact Information

New ____ Update Information X

Applicant/Owner Name: Tyrone Fay
(First / Last / Title)

Business Name/DBA/Trade Name: Precious Metal Converter, LLC dba Colorado Precious Metals Exchange
(Business Name / DBA/Trade Name)

Email: TyroneFay@hotmail.com Website: www.cpmex.co

Business Phone No.: (303) 325-3076 Fax No.: (303) 325-3076 Emergency No.: (303) 945-5138

Physical Address of Business: 3160 Village Vista Dr # 101

City: Erie State: CO Zip: 80516

Mailing Address of Business: 3160 Village Vista Dr # 101

City: Erie State: CO Zip: 80516

Corporate Address (if applicable): ____

City: ____ State: ____ Zip: ____

Name of Building Owner: Rick Chamber Emergency Contact Name/Phone No.: (317) 756-7464

Building Owner Mailing Address: 3160 Village Vista Dr #102 Erie (City) CO (State) 80516 (Zip)

Business Information

Type of Ownership (check one): Sole Proprietor ___ Partnership ___ LLC X Corporation ___ Other ____

Business Opening Date: 07/14/2011 NAIC Code: 453310, 423940, and 522298 (Visit www.census.gov/eos/www/naics/ and enter keyword describing business for code) Tax ID #: 45-2745449 (EIN or Social Security Number)

Detailed Description of Business Activities: Business engaged in buying, selling, and trading coin, jewelry; precious metals, precious stones, watches, and similar collectibles as well as in consumer cash lending secured by personal property.

Type of Business: Retail X Wholesale X Manufacturing ___ Service ___ Home-Based ___ (See attached Home Occupation Regulations) Marijuana/Hemp ___

Mobile Food Vendor or Food Preparation ___ Other ____ (Please specify)

No. of Full-Time Employees: 2 No. of Part-Time Employees: ____ Max. No. of Employees on Site at Peak Hours: ____

Do the Employees work remotely or in Erie? In Erie

Day Care Business: Max. No. of Children on Site: ____ State license No.: ____

Itemized Use of Space (square feet): Indoor Sales Area: ____ Outdoor Sales/Display Area: ____ Office: 850

Indoor Storage/Manufacturing/Warehousing Area: ____ Assembly/Restaurant Total No. of Seats: ____

Total Sq footage of home (include basement and attached garage): ____ Square Feet of space for business: ____ in home ____ in detached structure

Note: Additional details regarding size of use areas and parking availability may be requested (Town of Erie UDC 10.6.6)

Do you Own/Rent? Rent Square footage of Tenant Space 850

Name of Previous Business at location None, previously vacant Nature of Previous Business at location None

Will your Business be utilizing space inside of an already existing business? Yes or No How much Space? ____

Name of Business sharing space with ____

Will Customers be Coming to the site? Yes

Will there be any building alterations exterior or interior, fixed equipment, signs, fencing, or paving to be installed? No X

If Yes, please describe: ____

Will there be any outdoor activity or storage on site including outdoor seating or keeping of work vehicles? No X

If Yes, please decribe: ____

Home Occupation Regulations - Acknowledgment of Review

Home occupations may be allowed as a permitted accessory use governed by the following regulations:

1. A home occupation shall not be conducted until a home occupation has been approved by the Community Development Director and a license has been issued by the Director. Said license shall cite the conditions of the approval, if any.
2. Home occupations must be clearly secondary to the use of the building as a residence and shall not occupy more than 25 percent of the total floor area of the main building; or if located in an accessory building(s), shall not occupy more than 500 square feet except by Special Review Use.
3. The home occupation shall use the same water, electric and gas meters as the residence.
4. Home occupations shall be operated entirely from an enclosed structure with no exterior storage of business related vehicles, materials, or equipment. The home occupation owner's individual business/ personal passenger vehicle is exempt from this requirement.
5. There shall be no visible evidence of the operation, and it shall not change the residential character thereof.
6. There shall be no signage identifying the home occupation.
7. The residential building includes complete residential facilities, i.e. kitchen, living room, bathroom and bedroom(s).
8. Only persons residing in the residence can operate the home occupation at the residence. A maximum of two off-site employees or independent contractors of the business may come to the residence at the same time for work assignments, supplies, etc.
9. The operation shall not generate objectionable traffic in the area, and off-street parking must be provided to accommodate all needs created by the home occupation; however, in no case shall the number of additional parking spaces provided for the home occupation exceed the number of bedrooms in the residence.
10. The operation shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar impacts.
11. The following uses, because of their tendency to go beyond the limits permitted for home occupations and thereby impar the use and value of the residential area shall not be permitted as home occupations: auto repair or motorized implement repair; dance, music or other types of instruction (if more than four students are being instructed at one time); dental offices; medical offices; the painting of vehicles, trailers, boats; private schools with organized classes; motor vehicle towing operation; barber shops having more than one chair; beauty shops having more than one chair; welding shops; nursing homes; bed and breakfast and other such transient lodging; and retail sales where products are stocked and sold to purchasers at the home occupation residence like a retail store.

I hereby certify and state, under penalty of perjury, that I am the applicant in the foregoing application, herein stated information is correct to the best of my knowledge and belief. I further acknowledge that I have reviewed the above stated regulations related to the operation of a home occupation, and agree to abide by the Town of Erie Municipal Code.

Print Name: Tyrone Fay

Title: 100% Owner of Precious Metal Converter, LLC

Signature: _____

Date: 12/09/2020

Affidavit for Lawful Presence Verification

This affidavit is mandatory in accordance to Colorado House Bill 065-1023 (C.R.S. 24-76.5-103) and shall be submitted along with a copy of one of the accepted forms of identification to prove lawful presence in the United States. Colorado law requires the Town of Erie to verify all natural persons 18 years or older or sole proprietors who are applying for public benefit are lawfully present in the United States prior to receiving public benefit. A public benefit includes the application or a renewal of a grant, loan, contract, and professional or commercial license provided by an agency for the state or local government. Check one and complete as identified:

__Natural Persons or Sole Proprietors:

I, *(print name)* Tyrone Fay , swear or affirm under penalty of perjury under the laws of the State of Colorado that (check one):

X I am a United States Citizen; or

__I am a Permanent Resident of the United States; or

__I am lawfully present in the United States pursuant to Federal Law.

✓ Corporations, Partnerships, or Companies:

The applicant, for whom I am authorized to sign, is not a natural person or sole proprietorship, but a corporation, partnership, company, or other similar entity. 11306-1023 is not applicable.

ALL:

- I understand that this sworn statement is required by law because I have applied for a "Public Benefit".
- I understand state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit.
- I have attached a copy of one of the acceptable documents provided by the State of Colorado and the Town of Erie and I presented it to the agency as proof of identification that: I am least 18 years of age and I am lawfully in the United States. (Acceptable documents: CO Driver's License, CO ID Card, US Military ID, or Dependent's ID, US Coast Guard Merchant Card, or Native American Tribal Document)

I hereby certify and state, under penalty of perjury, that I am the applicant and/or authorized representative in the foregoing application, herein stated information is correct to the best of my knowledge and belief. I further acknowledge that failure to complete this application will result in processing delays and may render the Town of Erie unable to process my request or issue a business license.

Print Name: Tyrone Fay

Title: 100% Owner of Precious Metal Converter, LLC

Signature: _____

Date: 12/09/2020

Completed form can be submitted the following ways:

- Email to utilitybilling@erieco.gov,
- Dropped off at Town Hall,
- Mailed to: Town of Erie Business License
  645 Holbrook Street | PO Box 750
  Erie, CO 80516

STAFF USE ONLY

Zoning Designation: _____

Use Allowed (circle): Yes No Special Use Review Req (circle)? Yes No

Reviewed By: _____ License No. Issued: _____ Parcel No.: _____

C.O. Issuing Staff: _____ Date Inspected: _____ Parcel Owner: _____

Comments: _____

Deborah Bachelder

From: Kendra Carberry <klc@hpwclaw.com>
Sent: Monday, March 1, 2021 1:20 PM
To: Deborah Bachelder
Subject: FW: tyrone fay / business license application

Kendra L. Carberry
Hoffmann, Parker, Wilson & Carberry, P.C.
511 16th Street, Suite 610
Denver, CO 80202
(303) 951-2095

From: Robert Driscoll <driscollrj101@aol.com>
Sent: Monday, July 27, 2020 8:54 AM
To: Kendra Carberry <klc@hpwclaw.com>
Subject: Re: tyrone fay / business license application

Ms. Carberry,

Thank you for the reply. That is the conclusion I came to as well. Based on that and extensive conference with Mr. Fay this weekend, I am modifying his application to limit the activity to : buy, sell, trade coin, precious minerals, jewelry and collectable's'.

With this modification, should I submit the new application to you or the Town of Erie?

Robert J. Driscoll
Attorney at Law #5729
DRISCOLL LAW OFFICE
455 Sherman Street, Suite 100
Denver, CO 80203
Telephone: (303) 534-3233
FAX: (303) 534-3235
www.driscolllawfirm.com

-----Original Message-----
From: Kendra Carberry <klc@hpwclaw.com>
To: Robert Driscoll <driscollrj101@aol.com>
Sent: Mon, Jul 27, 2020 7:39 am
Subject: RE: tyrone fay / business license application

It is my understanding that pawn shops are not permitted in any zone district in Erie. Thanks.

Kendra L. Carberry

Deborah Bachelder

From: Kendra Carberry <klc@hpwclaw.com>
Sent: Monday, March 1, 2021 1:18 PM
To: Deborah Bachelder
Subject: FW: tyrone fay / business license application
Attachments: #3.pdf

Kendra L. Carberry
Hoffmann, Parker, Wilson & Carberry, P.C.
511 16th Street, Suite 610
Denver, CO 80202
(303) 951-2095

From: Robert Driscoll <driscollrj101@aol.com>
Sent: Monday, July 27, 2020 10:14 AM
To: Kendra Carberry <klc@hpwclaw.com>
Subject: Re: tyrone fay / business license application

This is the final with spelling and minor corrections, he is filing with signature by email to Erie now.

Robert J. Driscoll
Attorney at Law #5729
DRISCOLL LAW OFFICE
455 Sherman Street, Suite 100
Denver, CO 80203
Telephone: (303) 534-3233
FAX: (303) 534-3235
www.driscolllawfirm.com

-----Original Message-----
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To: Robert Driscoll <driscollrj101@aol.com>
Sent: Mon, Jul 27, 2020 7:39 am
Subject: RE: tyrone fay / business license application

It is my understanding that pawn shops are not permitted in any zone district in Erie. Thanks.

Kendra L. Carberry
Hoffmann, Parker, Wilson & Carberry, P.C.
511 16th Street, Suite 610
Denver, CO 80202
(303) 951-2095

From: Robert Driscoll <driscollrj101@aol.com>
Sent: Friday, July 24, 2020 11:11 AM
To: Kendra Carberry <klc@hpwclaw.com>
Subject: Re: tyrone fay / business license application

Good morning Ms. Carberry,
Thank you for your email. The hand writing on the Application "activities" section is hard to read. I do see ...loan money... I do not know what he means by that. I will inquire and get back to you asap.
In the event that it has to do with lending in the nature of pawn, is there a geographic zoned to permit the activity in Erie?
Thanks, Bob

Robert J. Driscoll
Attorney at Law #5729
DRISCOLL LAW OFFICE
455 Sherman Street, Suite 100
Denver, CO 80203
Telephone: (303) 534-3233
FAX: (303) 534-3235
www.driscolllawfirm.com

-----Original Message-----
From: Kendra Carberry <klc@hpwclaw.com>
To: driscollrj101@aol.com <driscollrj101@aol.com>
Sent: Fri, Jul 24, 2020 7:52 am
Subject: FW: tyrone fay / business license application

Mr. Driscoll,

Please contact me from this point forward. It appears that your client is requesting a new business license for a pawn shop. Pawn shops are not a permitted use in this zone district, so the Town will be unable to issue the license. If you have any questions, please let me know. Thanks.

Kendra L. Carberry
Hoffmann, Parker, Wilson & Carberry, P.C.
511 16th Street, Suite 610
Denver, CO 80202
(303) 951-2095

From: Fred Starr <fstarr@erieco.gov>
Sent: Thursday, July 23, 2020 1:25 PM
To: Kendra Carberry <klc@hpwclaw.com>
Subject: FW: tyrone fay / business license application

From: Robert Driscoll <driscollrj101@aol.com>
Sent: Thursday, July 23, 2020 1:05 PM
To: Fred Starr <fstarr@erieco.gov>
Subject: Fwd: tyrone fay / business license application

please see below

Robert J. Driscoll
Attorney at Law #5729
DRISCOLL LAW OFFICE
455 Sherman Street, Suite 100
Denver, CO 80203
Telephone: (303) 534-3233
FAX: (303) 534-3235

TOWN OF ERIE
1874

Business License Application

Today's Date: MM/DD/YY
/ /
Time:

Business Contact Information

New ____ Update Information ____ Change or update Business Information

Applicant/Owner Name: Tyrone Fay
First Last Title

Business Name/DBA/Trade Name: Precious Metal Converter LLC (Colorado) dba Colorado Precious Metals Exchange
Business Name DBA/Trade Name

Email: tyronefay@hotmail.com Website: www.jeweylandcoinbanc.com

Business Phone No.: 303 335 3076 Fax No.: 303 325 3076 Emergency No.: 303 945 5138

Physical Address of Business: 3160 Village Vista Dr #101, Erie,CO

City: Erie State: CO Zip: 80516

Mailing Address of Business: 1275 Plumb Cr.

City: Erie State: CO Zip: 80516

Corporate Address (if applicable): ____

City: ____ State: ____ Zip: ____

Name of Building Owner: Rick Chamber Emergency Contact Name/Phone No.: 317 756 7464

Building Owner Mailing Address: 3160 Village Vista Dr. #102 Erie, Co 80516
City State Zip

Business Information

Type of Ownership (check one): Sole Proprietor____ Partnership____ LLC X Corporation____ Other____

Business Opening Date: 07/14/2011 NAIC Code: 453310/423940 Tax ID #: 45-274-5449
Visit www.census.gov/eos/www/naics/ and enter keyword describing business for code EIN or Social Security Number

Detailed Description of Business Activities: Buy, sell,trade coin, jewlery, prescious metals and stones, watches and collectables.

Type of Business: Retail X Wholesale X Manufacturing____ Service____ Home-Based____ Marijuana/Hemp____
See attached Home Occupation Regulations

Mobile Food Vendor or Food Preparation____ Other____
Please specify

No. of Full-Time Employees: 2 No. of Part-Time Employees:____ Max. No. of Employees on Site at Peak Hours: 2

Do the Employees work remotely or in Erie? in Erie

Day Care Business: Max. No. of Children on Site:____ State license No.:____

Itemized Use of Space (square feet): Indoor Sales Area: ____ Outdoor Sales/Display Area: ____ Office: 850

Indoor Storage/Manufacturing/Warehousing Area: ____ Assembly/Restaurant Total No. of Seats: ____

Total Sq footage of home(include basement and attached garage):____ Square Feet of space for business:____in home ____in detached structure

Note: Additional details regarding size of use areas and parking availability may be requested (Town of Erie UDC 10.6.6)

Do you Own/Rent? rent Square footage of Tenant Space 850

Name of Previous Business at location none Nature of Previous Business at location none

Will your Business be utilizing space inside of an already existing business? Yes or No How much Space?____

Name of Business sharing space with____

Will Customers be Coming to the site? yes

Will there be any building alterations exterior or interior, fixed equipment, signs, fencing, or paving to be installed? No no

If Yes, please describe: ____

Will there be any outdoor activity or storage on site including outdoor seating or keeping of work vehicles? No no

If Yes, please decribe: ____

Home Occupation Regulations - Acknowledgment of Review

Home occupations may be allowed as a permitted accessory use governed by the following regulations:

1. A home occupation shall not be conducted until a home occupation has been approved by the Community Development Director and a license has been issued by the Director. Said license shall cite the conditions of the approval, if any.
2. Home occupations must be clearly secondary to the use of the building as a residence and shall not occupy more than 25 percent of the total floor area of the main building; or if located in an accessory building(s), shall not occupy more than 500 square feet except by Special Review Use.
3. The home occupation shall use the same water, electric and gas meters as the residence.
4. Home occupations shall be operated entirely from an enclosed structure with no exterior storage of business related vehicles, materials, or equipment. The home occupation owner's individual business/ personal passenger vehicle is exempt from this requirement.
5. There shall be no visible evidence of the operation, and it shall not change the residential character thereof.
6. There shall be no signage identifying the home occupation.
7. The residential building includes complete residential facilities, i.e. kitchen, living room, bathroom and bedroom(s).
8. Only persons residing in the residence can operate the home occupation at the residence. A maximum of two off-site employees or independent contractors of the business may come to the residence at the same time for work assignments, supplies, etc.
9. The operation shall not generate objectionable traffic in the area, and off-street parking must be provided to accommodate all needs created by the home occupation; however, in no case shall the number of additional parking spaces provided for the home occupation exceed the number of bedrooms in the residence.
10. The operation shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar impacts.
11. The following uses, because of their tendency to go beyond the limits permitted for home occupations and thereby impar the use and value of the residential area shall not be permitted as home occupations: auto repair or motorized implement repair; dance, music or other types of instruction (if more than four students are being instructed at one time); dental offices; medical offices; the painting of vehicles, trailers, boats; private schools with organized classes; motor vehicle towing operation; barber shops having more than one chair; beauty shops having more than one chair; welding shops; nursing homes; bed and breakfast and other such transient lodging; and retail sales where products are stocked and sold to purchasers at the home occupation residence like a retail store.

I hereby certify and state, under penalty of perjury, that I am the applicant in the foregoing application, herein stated information is correct to the best of my knowledge and belief. I further acknowledge that I have reviewed the above stated regulations related to the operation of a home occupation, and agree to abide by the Town of Erie Municipal Code.

Print Name: Tyrone Fay

Title: 100%Owner Precious Metal Converter,LLC

Signature: _____

Date: 07/25/2020

Affidavit for Lawful Presence Verification

This affidavit is mandatory in accordance to Colorado House Bill 06S-1023 (C.R.S. 24-76.5-103) and shall be submitted along with a copy of one of the accepted forms of identification to prove lawful presence in the United States. Colorado law requires the Town of Erie to verify all natural persons 18 years or older or sole proprietors who are applying for public benefit are lawfully present in the United States prior to receiving public benefit. A public benefit includes the application or a renewal of a grant, loan, contract, and professional or commercial license provided by an agency for the state or local government. Check one and complete as identified:

__ Natural Persons or Sole Proprietors:

I, *(print name)* _____ , swear or affirm under penalty of perjury under the laws of the State of Colorado that (check one):

__ I am a United States Citizen; or
__ I am a Permanent Resident of the United States; or
__ I am lawfully present in the United States pursuant to Federal Law.

✓ Corporations, Partnerships, or Companies:

The applicant, for whom I am authorized to sign, is not a natural person or sole proprietorship, but a corporation, partnership, company, or other similar entity. 11306-1023 is not applicable.

ALL:

- I understand that this sworn statement is required by law because I have applied for a "Public Benefit".
- I understand state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit.
- I have attached a copy of one of the acceptable documents provided by the State of Colorado and the Town of Erie and I presented it to the agency as proof of identification that: I am least 18 years of age and I am lawfully in the United States. (Acceptable documents: CO Driver's License, CO ID Card, US Military ID, or Dependent's ID, US Coast Guard Merchant Card, or Native American Tribal Document)

I hereby certify and state, under penalty of perjury, that I am the applicant and/or authorized representative in the foregoing application, herein stated information is correct to the best of my knowledge and belief. I further acknowledge that failure to complete this application will result in processing delays and may render the Town of Erie unable to process my request or issue a business license.

Print Name: Tyrone Fay

Title: 100%Owner Precious Metal Converter,LLC

Signature: _____

Date: 07/25/2020

Completed form can be submitted the following ways:

- Email to utilitybilling@erieco.gov,
- Dropped off at Town Hall,
- Mailed to: Town of Erie Business License
  645 Holbrook Street | PO Box 750
  Erie, CO 80516

STAFF USE ONLY

Zoning Designation: _____

Use Allowed (circle): Yes No Special Use Review Req (circle)? Yes No

Reviewed By: _____ License No. Issued: _____ Parcel No.: _____

C.O. Issuing Staff: _____ Date Inspected: _____ Parcel Owner: _____

Comments: _____

TOWN OF ERIE
1874

Business License Application

Today's Date: MM/DD/YY
08/08/20
Time:
3:00

Business Contact Information

New ____ Update Information ____ Change or Update Business Information

Applicant/Owner Name: Tyrone (First) Fay (Last) owner (Title)
Business Name/DBA/Trade Name: Erie PMC Coins LLC (Business Name / DBA/Trade Name)
Email: Tyronefay@hotmail.com Website: N/A
Business Phone No.: 303-945-5138 Fax No.: ____ Emergency No.: ____
Physical Address of Business: 1275 Plum Ct
City: Erie State: Co Zip: 80516
Mailing Address of Business: Same as above
City: ____ State: ____ Zip: ____
Corporate Address (if applicable): ____
City: ____ State: ____ Zip: ____
Name of Building Owner: ____ Emergency Contact Name/Phone No.: ____
Building Owner Mailing Address: ____ (City / State / Zip)

Business Information

Type of Ownership (check one): Sole Proprietor____ Partnership____ LLC X Corporation____ Other____
Business Opening Date: 01/06/19 NAIC Code: 453310 Tax ID #: ____
(Visit www.census.gov/eos/www/naics/ and enter keyword describing business for code) (EIN or Social Security Number)
Detailed Description of Business Activities: used rare collectors items Coins

Type of Business: Retail X Wholesale X Manufacturing____ Service____ Home-Based X Marijuana/Hemp____
(See attached Home Occupation Regulations)
Mobile Food Vendor or Food Preparation____ Other____ (Please specify)
No. of Full-Time Employees: 1 No. of Part-Time Employees: ____ Max. No. of Employees on Site at Peak Hours: ____
Do the Employees work remotely or in Erie? ____
Day Care Business: Max. No. of Children on Site: ____ State license No.: ____

Itemized Use of Space (square feet): Indoor Sales Area: ____ Outdoor Sales/Display Area: ____ Office: ____
Indoor Storage/Manufacturing/Warehousing Area: ____ Assembly/Restaurant Total No. of Seats: ____
Total Sq footage of home(Include basement and attached garage): ____ Square Feet of space for business: ____in home ____in detached structure
Note: Additional details regarding size of use areas and parking availability may be requested (Town of Erie UDC 10.6.6)

Do you Own/Rent? ____ Square footage of Tenant Space ____
Name of Previous Business at location ____ Nature of Previous Business at location ____
Will your Business be utilizing space inside of an already existing business? Yes or No How much Space? ____
Name of Business sharing space with ____

Will Customers be Coming to the site? ____

Will there be any building alterations exterior or interior, fixed equipment, signs, fencing, or paving to be installed? No __
If Yes, please describe: ____

Will there be any outdoor activity or storage on site including outdoor seating or keeping of work vehicles? No___
If Yes, please decribe: ____

Home Occupation Regulations - Acknowledgment of Review

Home occupations may be allowed as a permitted accessory use governed by the following regulations:

1. A home occupation shall not be conducted until a home occupation has been approved by the Community Development Director and a license has been issued by the Director. Said license shall cite the conditions of the approval, if any.
2. Home occupations must be clearly secondary to the use of the building as a residence and shall not occupy more than 25 percent of the total floor area of the main building; or if located in an accessory building(s), shall not occupy more than 500 square feet except by Special Review Use.
3. The home occupation shall use the same water, electric and gas meters as the residence.
4. Home occupations shall be operated entirely from an enclosed structure with no exterior storage of business related vehicles, materials, or equipment. The home occupation owner's individual business/ personal passenger vehicle is exempt from this requirement.
5. There shall be no visible evidence of the operation, and it shall not change the residential character thereof.
6. There shall be no signage identifying the home occupation.
7. The residential building includes complete residential facilities, i.e. kitchen, living room, bathroom and bedroom(s).
8. Only persons residing in the residence can operate the home occupation at the residence. A maximum of two off-site employees or independent contractors of the business may come to the residence at the same time for work assignments, supplies, etc.
9. The operation shall not generate objectionable traffic in the area, and off-street parking must be provided to accommodate all needs created by the home occupation; however, in no case shall the number of additional parking spaces provided for the home occupation exceed the number of bedrooms in the residence.
10. The operation shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar impacts.
11. The following uses, because of their tendency to go beyond the limits permitted for home occupations and thereby impar the use and value of the residential area shall not be permitted as home occupations: auto repair or motorized implement repair; dance, music or other types of instruction (if more than four students are being instructed at one time); dental offices; medical offices; the painting of vehicles, trailers, boats; private schools with organized classes; motor vehicle towing operation; barber shops having more than one chair; beauty shops having more than one chair; welding shops; nursing homes; bed and breakfast and other such transient lodging; and retail sales where products are stocked and sold to purchasers at the home occupation residence like a retail store.

I hereby certify and state, under penalty of perjury, that I am the applicant in the foregoing application, herein stated information is correct to the best of my knowledge and belief. I further acknowledge that I have reviewed the above stated regulations related to the operation of a home occupation, and agree to abide by the Town of Erie Municipal Code.

Print Name: Tyrone Fay

Title: OWNER

Signature: [signature]

Date: 08/02/20

Affidavit for Lawful Presence Verification

This affidavit is mandatory in accordance to Colorado House Bill 06S-1023 (C.R.S. 24-76.5-103) and shall be submitted along with a copy of one of the accepted forms of identification to prove lawful presence in the United States. Colorado law requires the Town of Erie to verify all natural persons 18 years or older or sole proprietors who are applying for public benefit are lawfully present in the United States prior to receiving public benefit. A public benefit includes the application or a renewal of a grant, loan, contract, and professional or commercial license provided by an agency for the state or local government. Check one and complete as identified:

__Natural Persons or Sole Proprietors:

I, *(print name)* Tyrone Fay , swear or affirm under penalty of perjury under the laws of the State of Colorado that (check one):

X I am a United States Citizen; or
__I am a Permanent Resident of the United States; or
__I am lawfully present in the United States pursuant to Federal Law.

__Corporations, Partnerships, or Companies:

The applicant, for whom I am authorized to sign, is not a natural person or sole proprietorship, but a corporation, partnership, company, or other similar entity. 11306-1023 is not applicable.

ALL:

- I understand that this sworn statement is required by law because I have applied for a "Public Benefit".
- I understand state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit.
- I have attached a copy of one of the acceptable documents provided by the State of Colorado and the Town of Erie and I presented it to the agency as proof of identification that: I am least 18 years of age and I am lawfully in the United States. (Acceptable documents: CO Driver's License, CO ID Card, US Military ID, or Dependent's ID, US Coast Guard Merchant Card, or Native American Tribal Document)

I hereby certify and state, under penalty of perjury, that I am the applicant and/or authorized representative in the foregoing application, herein stated information is correct to the best of my knowledge and belief. I further acknowledge that failure to complete this application will result in processing delays and may render the Town of Erie unable to process my request or issue a business license.

Print Name: Tyrone Fay

Title: owner

Signature: [signature]

Date: 02/02/20

Completed form can be submitted the following ways:

- Email to utilitybilling@erieco.gov,
- Dropped off at Town Hall,
- Mailed to: Town of Erie Business License
  645 Holbrook Street | PO Box 750
  Erie, CO 80516

STAFF USE ONLY

Zoning Designation: _____

Use Allowed (circle): Yes No Special Use Review Req (circle)? Yes No

Reviewed By: _____ License No. Issued: _____ Parcel No.: _____

C.O. Issuing Staff: _____ Date Inspected: _____ Parcel Owner: _____

Comments: _____

BUSINESS LICENSE CERTIFICATE

TOWN OF ERIE

645 Holbrook Street/P.O. Box 750 • Erie, CO 80516
Phone: (303) 926-2780 • FAX (303) 926-2704

BUSINESS NAME: Erie PMC Coins LLC

DBA:

BUSINESS OWNER: Tyrone Fay

BUSINESS LOCATION: 2142 Mountain Iris DR
Erie, CO 80516

BUSINESS DESCRIPTION: Home Occupation Retail

NAICS CODE: 453310 Used rare collectors' items (e.g., autograph, coin, card, stamps) shops

ERIE PMC COINS LLC
PO BOX 1322
ERIE, CO 80516

Business License Number: HOL000810-01-2019

Effective Date: January 16, 2019

Expiration Date:

TO BE POSTED IN A CONSPICUOUS PLACE

Deborah Bachelder

From: Kendra Carberry <klc@hpwclaw.com>
Sent: Monday, March 1, 2021 1:15 PM
To: Deborah Bachelder
Subject: FW: Precious Metal Converter, LLC, Town of Erie Business License
Attachments: Broomfield_Interior1.jpg; Broomfield_Interior2.jpg; Erie_exterior..JPG; Erie_entrance.jpg; Erie-Customer_Area.jpg; PMC_Matter_Letter_to_Erie_Atty_20201210.pdf

Kendra L. Carberry
Hoffmann, Parker, Wilson & Carberry, P.C.
511 16th Street, Suite 610
Denver, CO 80202
(303) 951-2095

From: Matt Smith <matthewbriansmith@gmail.com>
Sent: Thursday, December 10, 2020 11:11 AM
To: Kendra Carberry <klc@hpwclaw.com>
Cc: Tyrone Fay <TyroneFay@hotmail.com>
Subject: Precious Metal Converter, LLC, Town of Erie Business License

Good morning Ms. Carberry:

Please find attached the letter we discussed on Tuesday December 8.

Also attached are pictures referenced in the letter.

Best regards,
-Matt

Matt Smith, Esq
Matthew.Brian.Smith@gmail.com
303.773.7308 (Office)
303.641.0002 (Cell)

December 10, 2020

Kendra L. Carberry, Town of Erie Attorney
Hoffman, Parker, Wilson & Carberry P.C.

Re: Precious Metal Converter, LLC, Town of Erie Business License

Sent via email to KLC@HPWCLAW.com

Dear Ms. Carberry:

It was nice to speak with you on Tuesday and thank you for making the time for the call. I now represent Precious Metal Converter, LLC, and its sole owner.

As I mentioned, the former attorney for Precious Metal Converter, LLC ("PMC"), appears to have made some oversights when putting together the Business License Application submitted to the Town of Erie, Colorado ("Erie"), for PMC.

Accordingly, PMC will be submitting an update pursuant to Chapter 2, Business and Occupation Licenses, of the Erie Municipal Code, *viz.*, §2-2-5. This update will serve as notice that PMC's phone number, mailing address, and web address will be updated. Additionally, the "nature of business" will be amended to include NAICS Code 522298, the description of which includes consumer cash lending secured by personal property ("pawning"). We anticipate submitting this update within the next two weeks, but would welcome meeting with you and Mr. Starr before we submit to discuss coming to an agreement.

Nature of PMC

I included a number of legal points below explaining why it appears that the Community Development Director ("CDD") should not reject the update. However, it first may be helpful for Erie to have a better understanding of the nature of PMC's business and its owner.

The pictures included as attachments to the email with this letter show that PMC's current operations in Broomfield are not those of the stereotypical pawnshop. There is no merchandise on display for sale. PMC does not deal in guns, electronics, bikes, tools, and the like. I apologize that I did not save the exterior picture correctly, but I can confirm that there is no signage that says "Pawn" and instead the signage refers to "Coins" and "Jewelry". Also, PMC's business records show that the company rarely sells the items held for collateral and instead works with consumers so that loans are paid off and personal property held for collateral is returned to the consumer, which is the primary reason PMC has had no complaints filed against it since commencing operations in Broomfield in 2011.

The space PMC is leasing in Erie is 850 square feet and does not encourage walk-in customers. It is in a strip building behind another strip building with no possibility of attracting drive-by business. The space has been vacant since before I moved to Erie in 2013. Instead, transactions for PMC are initiated via its website, at which point the consumer emails or calls PMC to set up an appointment at the location. As you can see from the attached pictures, PMC's space in Erie has no room for large displays, etc., and looks more like one of the many dentist's offices located in Erie with a reception area in the front and offices / storage in the back.

Matt Smith, Esq.
Matthew.Brian.Smith@gmail.com
303.641.0002

PMC's business plan is to deal in coin, jewelry, valuable watches, precious metals, and the like. While over 50% of PMC's business is engaged in buying, selling, and trading these items, the business also includes collateralized loans involving these items. As noted above, it is rare for PMC to cancel a loan / subject a customer's collateralized property to forfeiture. And, if collateralized property is forfeited and PMC decides to sell it, such property generally is sold to wholesalers and salvors and not to the general public.

Pursuant to the above, PMC would not take issue with discussing entering into an agreement with Erie under which the NAICS code for pawn (522298) is included with the nature of its business on file with Erie conditioned upon PMC agreeing that it would not to deal in:

- Firearms
- Electronics
- Tools
- Bikes

PMC also would agree to include limitations on displays and signage as part of the agreement, such as not including garish display racks in the interior and not including the word "Pawn" on any signs at the location.

Finally, as I mentioned on our call, I first met the owner of PMC when he purchased my house in August of 2019 and then graciously agreed to rent the house back to me for two months so that my family did not have to move twice because our new home was not ready. The house the owner of PMC purchased from me, which he lives in today, is located in the Vista Ridge community behind (north of) PMC's Erie location and within walking distance of the location. Clearly, the owner of PMC has a vested interest in ensuring that property values in the area are not decreased because of a business that may have certain stereotypes associated with it. PMC's owner could have insisted that he had a right to take possession of the house, but instead prevented what would have been a great deal of disruption for my family. I understood from my realtor that the owner of PMC was a pawnbroker, but, as noted above, I have since found that the owner of PMC and PMC's operations do not fit into the stereotypes of a pawn shop.

Legal Points

As to PMC's initial application process, I understand that the CDD told the owner of PMC that operations that include pawning were not permitted in Erie pursuant to §10.3.1.C of the Erie Unified Development Code ("UDC") because pawning was not listed in Table 3-1, Table of Permitted Uses, of the UDC.

However, the definition of "General Retail" in the UDC is quite broad and clearly encompasses pawning because pawning has been a retail endeavor for over 3,000 years. As such, I would think pawning is properly classified under "General Retail", which is permitted by right under the UDC. Moreover, I would note that if Erie had intended to regulate pawning or to prohibit pawning, it had every opportunity to designate pawning as a special review use in the UDC by listing it and entering an "S" in Table 3-1 or by listing it and leaving the cells in Table 3-1 blank, as was done with other categories, including Recreational Vehicle Park, Outdoor Shooting Range, etc. It is hardly plausible that pawning was left off of Table 3-1 entirely with the intent being to not allow pawning in Erie. Instead, Erie specifically has chosen not to regulate pawning as permitted by CRS § 29.11.9-102, and pawning is properly classified as "General Retail".

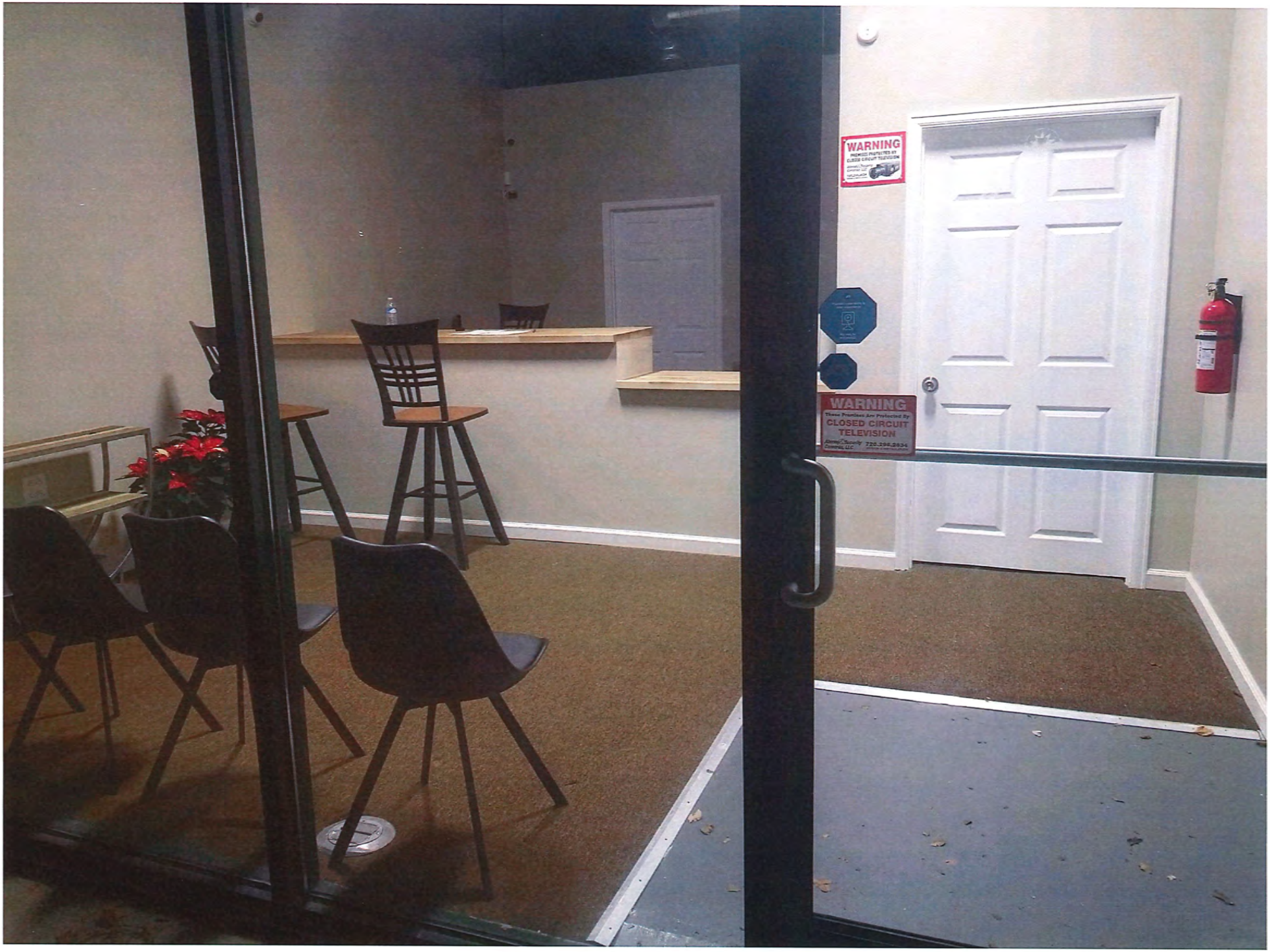
Alternatively, had the Community Development Director somehow made the implausible determination that pawning does not fall under "General Retail" in the UDC or any other category in Table 3-1, §10.3.1.D. of the UDC states "the procedure set forth below ***shall*** be followed. 1. The Community Development Director ***shall*** provide an interpretation as to the zoning classification into which such use should be placed" (*emphasis added because the word shall is used twice)*. If this determination was made, and it sounds like that was the determination that was made, then I would have expected the CDD to have provided "an interpretation as to the zoning classification into which such use should be placed" because the CDD is mandated to do so by the clear text of the UDC. I should note that there is not an option in the UDC for an unlisted use to be rejected. Instead, the UDC is permissive in nature. If a use is not specifically listed, an interpretation as to the zoning classification into which the use should be placed must be provided by the CDD.

Finally, CRS § 29.11.9-102 states "Local licensing authorities may license pawnbrokers and require that pawnbrokers be bonded and insured and may enact regulations governing pawnbrokers, which regulations shall be at least as restrictive as the provisions of this article 11.9; except that the regulations shall be no more restrictive than this article 11.9 with respect to fixed time and fixed price." The plain text of the statute does not give local authorities the power to enact a wholesale ban on pawning in the locality. Instead, it permits local authorities to require bonding, insurance, and other regulations, as a number of cities in Colorado have done. The statute says the regulations shall be no more restrictive than Article 11.9 as to fixed time. Interpreting the Erie UDC to entirely prohibit pawning would effectively be more restrictive as to fixed time for a pawnbroker. I.e., Article 11.9 says that the fixed time may be no less than thirty days, but interpreting the UDC as banning pawnbrokers effectively sets the fixed time at zero days, which is less than the mandated minimum of thirty days. Moreover, CRS § 31-15-103 states that municipalities "have power to make and publish ordinances not inconsistent with the laws of this state". The laws of the State of Colorado permit the business of pawning and any ordinance that purports to ban pawning entirely is impermissible because it is inconsistent with the laws of the State of Colorado. And, I would be remiss if I did not point out that the State of Colorado has established a process whereby certain activities may be banned by municipalities: For example, Colorado has granted municipalities the ability to ban activities involving the production and distribution of marijuana. If Colorado intended to give municipalities similar control over the business of pawning, it would have done so affirmatively as it did with marijuana.

As we discussed, my hope is that this letter would explain our position regarding amending the "nature of business" for PMC. Please email anytime if you would like to schedule a call to discuss any this.

Best regards,

Matt Smith
CO Attorney # 45496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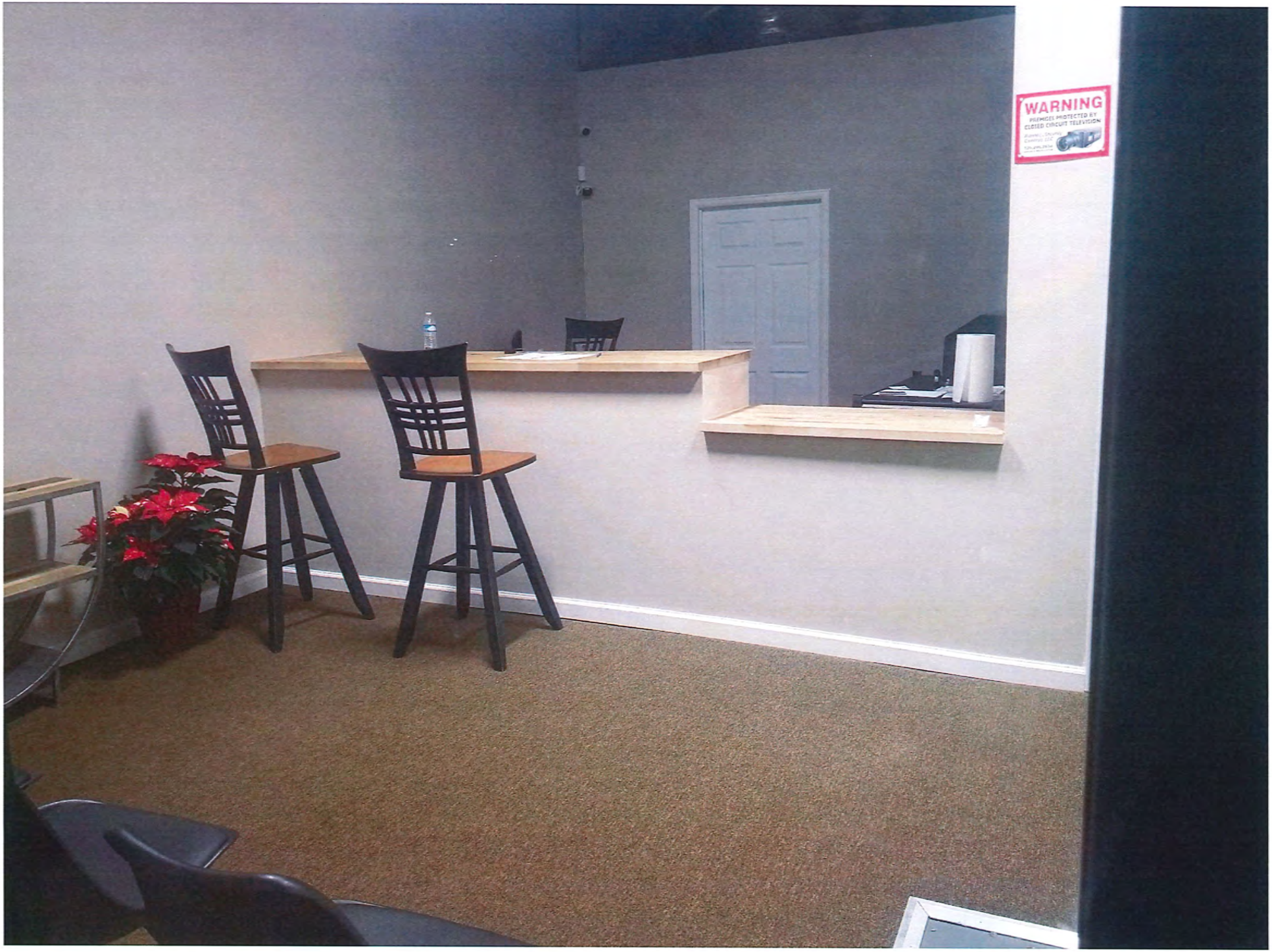
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TOWN OF ERIE
1874

January 19, 2021

Precious Metal Converter, LLC
1382 Hwy 287
Broomfield, CO 80020
Via email to tyronefay@hotmail.com

Re: Interpretation Letter Re: Precious Metal Converter, LLC Pawn Zoning

Dear Mr. Fay,

This Interpretation Letter serves as a zoning interpretation under § 10-3-1(d)(1) of the Erie Municipal Code (the "Code") in conjunction with the business license application filed by Precious Metal Converter, LLC ("PMC"). I have considered your application and the nature and potential impact of your business use and has determined that a pawn shop is not an acceptable use within any zone district in Erie.

Pawn shops are not listed as a permitted use in Code § 10-3-1(E), Table 3-1. Under the Code, use of a property for any other use not specifically permitted is prohibited, Code § 10-3-1(c), provided that a new and unlisted used may be classified under an existing permitted use. Code § 10-3-1(d). You have requested that I consider a pawn shop as "general retail." However, I do not find that this use is consistent with a general retail use under the Code.

> "General Retail" is defined by the Code as follows:
>
> A commercial enterprise that provides goods, products, or materials directly to the consumer. This includes uses such as art galleries, appliance stores, bakeries, bookstores, clothing stores, food stores, grocers, caterers, pharmacies, florists, furniture stores, hardware stores, liquor stores, pet stores, toy stores, and variety stores. This use type shall not include restaurants, personal service establishments, convenience stores, or amusement establishments.

Code § 10-11-3. Pawn shops are defined under Colorado law as businesses in which a pawnbroker enters into a contract with a customer under which money is advanced to the customer in exchange for the delivery of the customer's tangible personal property. C.R.S. § 29.11.9-101. PMC's business involves lending of this nature in exchange for collateral. Pawn shops do not provide goods, products, or materials directly to the consumer when they engage in collateralized lending and pawn broking and are therefore, not considered a general retail use. A pawn shop also does not fall into any other existing permitted use.

Based on the foregoing, I conclude that pawn shops are not a permitted use in Erie.

Sincerely,

DocuSigned by:
Fred Starr
E87d6C9ADA5E941A...

Fred Starr
Community Development Director

HP WC Hoffmann Parker Wilson & Carberry | P.C.

Corey Y. Hoffmann
Kendra L. Carberry
Jefferson H. Parker
M. Patrick Wilson

Of Counsel
J. Matthew Mire
Hilary M. Graham
Kathryn M. Sellars

Denver Office
511 16th Street, Suite 610
Denver, CO 80202-4260
(303) 825-6444

Vail Office
P.O. Box 2616
Vail, CO 81658
(970) 390-4941

Daniel P. Harvey
Ruthanne H. Goff
Evin B. King
Alexandra N. Slaten
Katharine J. Vera
Elizabeth G. LeBuhn

January 19, 2021

Matt Smith, Esq.
via email to matthew.brian.smith@gmail.com

Re: Precious Metal Converter, LLC

Dear Mr. Smith:

As you know, I am the Erie Town Attorney, and I write in response to your letter dated December 10, 2020, regarding the Business License Application submitted by Precious Metal Converter, LLC ("PMC") to the Town.

Simply put, pawn shops are not a permitted use in any zone district in the Town, and PMC's prior attorney agrees with this conclusion, in writing (*see* attached). The Town's Unified Development Code (the "UDC") only allows for the permitted uses that are listed in Subsection E, Table 3-1. UDC § 10-3-1. Pawn shops are not listed. As noted in your letter, if an application is made for a use category or use type that is not specifically listed in Subsection E, the Director must provide an interpretation as to the zoning classification into which the use should be placed. UDC § 10-3-1(d). However, your letter ignores the fact that appropriate classification of new or unlisted uses includes denying that the proposed use is a permitted use. Though the Director has already provided his interpretation informally, by the attached letter, the Director has now officially provided his interpretation to your client.

Pawn shops are defined under Colorado law as businesses in which a pawnbroker enters into a contract with a customer under which money is advanced to the customer in exchange for the delivery of the customer's tangible personal property. C.R.S. § 29.11.9-101. The Town understands that PMC's business involves lending of this nature in exchange for collateral. The Town does not agree that this use falls under a "General Retail" use. The UDC defines General Retail as follows:

> A commercial enterprise that provides goods, products, or materials directly to the consumer. This includes uses such as art galleries, appliance stores, bakeries,

> bookstores, clothing stores, food stores, grocers, caterers, pharmacies, florists, furniture stores, hardware stores, liquor stores, pet stores, toy stores, and variety stores. This use type shall not include restaurants, personal service establishments, convenience stores, or amusement establishments.

UDC § 10-11-3. Pawn shops do not provide goods, products, or materials directly to the consumer when they engage in collateralized lending and pawnbroking.

The Town also disagrees with your assertion that C.R.S. § 29.11.9-102 somehow prohibits municipalities from prohibiting pawn shops. The Town may enact and enforce local zoning ordinances applicable to property within its jurisdiction. C.R.S. § 31-23-301. Prohibiting pawn shops in the Town does not contradict C.R.S. § 29.11.9-102 in any way. Article 11.9 states that local licensing authorities *may* license pawnbrokers and may regulate pawnbrokers, except that the regulations on pawnbrokers cannot be more restrictive than the Article with respect to fixed time and price. *Id.* Article 11.9 addresses the licensing of pawnbrokers and time and price restrictions, but nowhere does it preclude the Town from prohibiting pawn shops.

Finally, it has come to my attention that your client has submitted a new business license application. The Town cannot issue a business license for a business that is not permitted in the proposed location. As such, the Town considers this matter concluded.

Very truly yours,

Kendra L. Carberry

Kendra L. Carberry
klc@hpwclaw.com

c: Fred Starr, Director of Planning

Encl.

From: Katharine J. Vera
To: Katharine J. Vera
Subject: FW: tyrone fay / business license application
Date: Monday, January 4, 2021 1:59:44 PM

From: Robert Driscoll <driscollrj101@aol.com>
Sent: Monday, July 27, 2020 8:54 AM
To: Kendra Carberry <klc@hpwclaw.com>
Subject: Re: tyrone fay / business license application

Ms. Carberry,

Thank you for the reply. That is the conclusion I came to as well. Based on that and extensive conference with Mr. Fay this weekend, I am modifying his application to limit the activity to : buy, sell, trade coin, precious minerals, jewelry and collectable's'.

With this modification, should I submit the new application to you or the Town of Erie?

Robert J. Driscoll
Attorney at Law #5729
DRISCOLL LAW OFFICE
455 Sherman Street, Suite 100
Denver, CO 80203
Telephone: (303) 534-3233
FAX: (303) 534-3235
www.driscolllawfirm.com

-----Original Message-----
From: Kendra Carberry <klc@hpwclaw.com>
To: Robert Driscoll <driscollrj101@aol.com>
Sent: Mon, Jul 27, 2020 7:39 am
Subject: RE: tyrone fay / business license application

It is my understanding that pawn shops are not permitted in any zone district in Erie. Thanks.

Kendra L. Carberry
Hoffmann, Parker, Wilson & Carberry, P.C.
511 16th Street, Suite 610
Denver, CO 80202
(303) 951-2095

From: Robert Driscoll <driscollrj101@aol.com>
Sent: Friday, July 24, 2020 11:11 AM
To: Kendra Carberry <klc@hpwclaw.com>
Subject: Re: tyrone fay / business license application

Good morning Ms. Carberry,
Thank you for your email. The hand writing on the Application "activities" section is hard to read. I do see ...loan money... I do not know what he means by that. I will inquire and get back to you asap.
In the event that it has to do with lending in the nature of pawn, is there a geographic zoned to permit the activity in Erie?
Thanks, Bob

Robert J. Driscoll
Attorney at Law #5729
DRISCOLL LAW OFFICE
455 Sherman Street, Suite 100
Denver, CO 80203
Telephone: (303) 534-3233
FAX: (303) 534-3235
www.driscolllawfirm.com

-----Original Message-----
From: Kendra Carberry <klc@hpwclaw.com>
To: driscollrj101@aol.com <driscollrj101@aol.com>
Sent: Fri, Jul 24, 2020 7:52 am
Subject: FW: tyrone fay / business license application

Mr. Driscoll,

Please contact me from this point forward. It appears that your client is requesting a new business license for a pawn shop. Pawn shops are not a permitted use in this zone district, so the Town will be unable to issue the license. If you have any questions, please let me know. Thanks.

Kendra L. Carberry
Hoffmann, Parker, Wilson & Carberry, P.C.
511 16th Street, Suite 610
Denver, CO 80202
(303) 951-2095

DocuSign Envelope ID: CBA6C933-378D-4768-88A6-43EB65F00DD7

TOWN OF ERIE
1874

January 19, 2021

Precious Metal Converter, LLC
1382 Hwy 287
Broomfield, CO 80020
Via email to tyronefay@hotmail.com

Re: Interpretation Letter Re: Precious Metal Converter, LLC Pawn Zoning

Dear Mr. Fay,

This Interpretation Letter serves as a zoning interpretation under § 10-3-1(d)(1) of the Erie Municipal Code (the "Code") in conjunction with the business license application filed by Precious Metal Converter, LLC ("PMC"). I have considered your application and the nature and potential impact of your business use and has determined that a pawn shop is not an acceptable use within any zone district in Erie.

Pawn shops are not listed as a permitted use in Code § 10-3-1(E), Table 3-1. Under the Code, use of a property for any other use not specifically permitted is prohibited, Code § 10-3-1(c), provided that a new and unlisted used may be classified under an existing permitted use. Code § 10-3-1(d). You have requested that I consider a pawn shop as "general retail." However, I do not find that this use is consistent with a general retail use under the Code.

> "General Retail" is defined by the Code as follows:
>
> A commercial enterprise that provides goods, products, or materials directly to the consumer. This includes uses such as art galleries, appliance stores, bakeries, bookstores, clothing stores, food stores, grocers, caterers, pharmacies, florists, furniture stores, hardware stores, liquor stores, pet stores, toy stores, and variety stores. This use type shall not include restaurants, personal service establishments, convenience stores, or amusement establishments.

Code § 10-11-3. Pawn shops are defined under Colorado law as businesses in which a pawnbroker enters into a contract with a customer under which money is advanced to the customer in exchange for the delivery of the customer's tangible personal property. C.R.S. § 29.11.9-101. PMC's business involves lending of this nature in exchange for collateral. Pawn shops do not provide goods, products, or materials directly to the consumer when they engage in collateralized lending and pawn broking and are therefore, not considered a general retail use. A pawn shop also does not fall into any other existing permitted use.

Based on the foregoing, I conclude that pawn shops are not a permitted use in Erie.

Sincerely,

DocuSigned by:
Fred Starr
F87C6F3ADA5E941A...

Fred Starr
Community Development Director

February 4, 2021

Fred Starr
Community Development Director, Town of Erie, CO
645 Holbrook
PO Box 750
Erie, CO 80516

Re: Application for an Appeal of an Asserted Error to the Board of Adjustment
Precious Metal Converter, LLC, Town of Erie Business License

Sent via email to FStarr@ErieCO.gov

Dear Mr. Starr:

Pursuant to the Town of Erie, Colorado, Unified Development Code ("UDC") § 10.7.22, this letter serves as an application for an appeal of the decision of the Town of Erie, Colorado, Community Development Director regarding the business license and permitted business use of Precious Metal Converter, LLC ("PMC"). Specifically, PMC applies to appeal to the Town of Erie Board of Adjustment the erroneous interpretation and decision to deny PMC's application to update its business license with the Town of Erie to include NAIC Code 522298, which encompasses consumer cash lending secured by personal property, known as pawning.

While we appreciate that § 10.3.1.C. of the UDC states "use of a property for any other use not specifically permitted in Table 3.1 ... is prohibited", we note that § 10.3.1.D. requires the Community Development Director (CDC) "to provide an interpretation as to the zoning classification into which [an unlisted] use should be placed." PMC's business is a mix of buying / selling precious metals and pawn broking. Accordingly, PMC should have been classified by the CDC as "General Retail", "Bank", and / or "Financial Institution", all terms as defined and used in the UDC. We note that all three of these classifications are permitted by right under the UDC.

We likewise appreciate that CRS § 31-23-301 permits the Town of Erie to enact and enforce local zoning ordinances, but we note that the standard by which this activity is to be conducted under Colorado law is health, safety, morals, or general welfare and there is no evidence that a wholesale ban on pawn broking relates to this standard. In sum, the Town of Erie does not have the authority to prohibit pawn broking, pursuant to CRS § 31-23-301 because there is no evidence that doing so relates to health, safety, morals, or general welfare.

I look forward to hearing from you regarding the date and time of the public hearing of this appeal before the Board of Adjustment and please note that we would appreciate having this scheduled as soon as possible because PMC is daily incurring additional expenses due to the denial of its application to update its description of business activities.

Best regards,

Matt Smith
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